

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MARK BARDWELL,

Plaintiff,

v.

No.: 3:12-cv-251  
(VARLAN/GUYTON)

DAVID OSBORNE, et al.,

Defendants.

**MEMORANDUM**

This is a *pro se* civil rights action under 42 U.S.C. § 1983. On September 28, 2012, the Court vacated a prior order of dismissal. Plaintiff's copy of that order, which was mailed to him at his last known address, was returned undelivered on October 5, 2012, with the notation "not deliverable as addressed." In the Court's initial order, plaintiff was ordered to inform the Court immediately of any address changes. Plaintiff was also advised that failure to provide a correct address within ten days following any change of address would result in the dismissal of this action.

Accordingly, this action will be **DISMISSED WITH PREJUDICE** for plaintiff's failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The Court will **CERTIFY** that any appeal

from this action would not be taken in good faith and would be totally frivolous. *See* Fed.

R. App. P. 24.

**AN APPROPRIATE ORDER WILL ENTER.**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE